IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4225 OF 2005
IN
CRIMINAL APPEAL NO. 626 OF 2005

Bhauso Chandar Pawar ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. K.S. Patil, Advocate for Applicant

Mr. V.B. Konde Deshmukh, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 13TH JULY, 2005

P. C.:-

1. Heard both sides.

2. The applicant has been convicted under Section 376 of I.P.C. The sentence imposed on the applicant is seven years.

3. It is stated by the learned advocate for the applicant that the applicant was on bail pending the trial and this liberty has not been misused by him. This statement has not been controverted by the prosecution. The learned advocate for the applicant has pointed out the observations of the learned Sessions Judge in para 13 of the impugned judgment,

wherein the learned Sessions Judge has observed that the prosecutrix was the consenting party to the sexual intercourse. The learned Sessions Judge has given various reasons for coming to the conclusion. It is true that the prosecutrix was below 16 years of age. However, it is seen that at the time of incident she was above 15 years of age and just below 16 years. Looking to the above facts and evidence on record, I am inclined to grant bail to the applicant.

4. The applicant Bhauso Chandar Pawar, to be released on bail in the sum of Rs.25,000/- with one or two sureties to make the said amount.

5. Application is disposed of.

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